

ESTTA Tracking number: **ESTTA588856**

Filing date: **02/24/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211617
Party	Defendant Stiftelsen Gapminder
Correspondence Address	JEFFERSON F SCHER CARR & FERRELL LLP 120 CONSTITUTION DRIVE MENLO PARK, CA 94025 UNITED STATES jscher@carrferrell.com,usptomail@carrferrell.com
Submission	Answer
Filer's Name	Jefferson F. Scher
Filer's e-mail	jscher@carrferrell.com, usptomail@carrferrell.com, shernandez@carrferrell.com
Signature	/Jefferson F. Scher/
Date	02/24/2014
Attachments	Answer to Notice of Opposition (00750138).pdf(36902 bytes)

**IN THE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL
AND APPEAL BOARD**

In the matter of
Trademark Application Serial No. 79/ 099,737
Mark: GAPMINDER
Published: January 15, 2013

GAP (APPAREL) LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91211617
)	
STIFTELSEN GAPMINDER,)	
)	
Applicant.)	
)	

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Sir:

Applicant STIFTELSEN GAPMINDER (“Applicant”) hereby answers the
Notice of Opposition filed by GAP (APPAREL) LLC (“Opposer”) as follows:

1. Applicant is without sufficient knowledge or information to form a
belief as to the allegations contained in Paragraph 1 of the Notice of Opposition and
accordingly denies all such allegations.

2. Applicant is without sufficient knowledge or information to form a belief as to the allegations contained in the first sentence of Paragraph 2 of the Notice of Opposition, and accordingly denies all such allegations. With respect to the remainder of said paragraph, Applicant denies the allegations to the extent inconsistent with or in addition to the facts shown in the Trademark Status & Document Retrieval (TSDR) system, or to the extent they constitute legal conclusions.

3. Applicant admits the allegations of Paragraph 3 of the Notice of Opposition.

4. With respect to Paragraph 4 of the Notice of Opposition, Applicant admits that its Application Serial No. 79/ 099,737 was accorded a filing date of May 27, 2011. Applicant denies the remaining allegations to the extent inconsistent with or in addition to the facts shown in the Trademark Status & Document Retrieval (TSDR) system, or to the extent they constitute legal conclusions.

5. Applicant admits the allegations of Paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations of Paragraph 6 of the Notice of Opposition.

7. Paragraph 7 of the Notice of Opposition appears to set forth a legal conclusion, but to the extent that said paragraph sets forth any allegations of fact, Applicant denies any such allegations.

8. Paragraph 8 of the Notice of Opposition appears to set forth a legal conclusion, but to the extent that said paragraph sets forth any allegations of fact, Applicant denies any such allegations.

9. Applicant is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 9 of the Notice of Opposition, in light of the ambiguous, expansive, and undefined expression “engaged in philanthropic services,” and accordingly denies all such allegations.

10. Paragraph 10 of the Notice of Opposition appears to set forth a legal conclusion, but to the extent that said paragraph sets forth any allegations of fact, Applicant denies any such allegations.

11. Paragraph 11 of the Notice of Opposition appears to set forth a legal conclusion, but to the extent that said paragraph sets forth any allegations of fact, Applicant denies any such allegations.

12. Paragraph 12 of the Notice of Opposition appears to set forth a legal conclusion, but to the extent that said paragraph sets forth any allegations of fact, Applicant denies any such allegations.

FIRST DEFENSE

1. As a first defense, Applicant alleges that the Notice of Opposition fails to allege facts sufficient to entitle Opposer to the remedy sought.

SECOND DEFENSE

2. As a second defense, Applicant alleges that there is no likelihood of confusion between Opposer's mark and Applicant's mark.

THIRD DEFENSE

3. As a third defense, Applicant alleges that Applicant's mark does not suggest a connection with, is not associated with, and consumers are not likely to assume any connection with, Opposer's mark.

FOURTH DEFENSE

4. As a fourth defense, Applicant alleges that Applicant's mark is not likely to cause dilution by blurring or dilution by tarnishment of Opposer's mark.

WHEREFORE, Applicant prays that Opposer's Notice of Opposition be dismissed and that judgment be entered in favor of Applicant.

Respectfully submitted,



Dated: February 24, 2014

Jefferson F. Scher, Esq.
CARR & FERRELL LLP
120 Constitution Drive
Menlo Park, California 94025
Phone: (650) 812-3400
Fax: (650) 812-3444

PROOF OF SERVICE BY EMAIL

I declare that:

I am employed in the County of San Mateo, California.

I am over the age of eighteen years and not a party to the within cause; my business address is 120 Constitution Drive, Menlo Park, California 94025. On February 24, 2014, I served the within Answer to Notice of Opposition on the interested party in said cause, via Electronic Mail (by agreement), addressed as follows:

jweinberger@frosszelnick.com, alepisc@frosszelnick.com

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Menlo Park, California, this 24th day of February, 2014.



Suehay Hernandez